

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: KALLED et al.)	
)	
Application No.: 10/505,376)	
)	
Filed: August 20, 2004)	Group Art Unit: Not Yet Assigned
)	
International Application No.: PCT/US03/05147)	Examiner: Not Yet Assigned
)	
International Filing Date: August 20, 2004)	Confirmation No.: 2363
)	
For: USE OF BCMA AS AN)	
IMMUNOREGULATORY AGENT)	

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The above captioned application entered the U.S. national stage on August 20, 2004. On May 5, 2006, Applicants received a Notification of Missing Requirements under 35 U.S.C. § 371. Applicants prepared and filed a response to this Notification on July 1, 2005.

On May 30, 2006, because Applicants had not yet received a filing receipt, they filed a status inquiry. Applicants never received a response to that inquiry, although it now appears from a routine review of the application in PAIR that a response was issued by the PCT Legal Office on August 4, 2006. This communication indicated that the U.S.P.T.O. had no record of Applicants' response to the Notification of Missing Requirements.

Applicants' representatives thank Supervisor Donna Green for the courtesy of a telephone conference on April 25, 2008. Supervisor Green advised Applicants' representatives that prosecution could be initiated by submitting copies of the original response to the Notification of Missing Requirements and the stamped postcard confirming its receipt by the U.S.P.T.O. Supervisor Green further advised that Applicants need not file a petition to revive this application.

Applicants enclose a courtesy copy of the Response to the Notice of Missing Requirements, as originally filed on July 1, 2005. Applicants also enclose copies of the Notification of Missing Requirements and the stamped postcard confirming receipt of the original Response by the Office.

Applicants' representative respectfully submits that the delay in addressing this issue is the result of Patent Office errors, rather than any negligence on the part of Applicants. Applicants properly filed a response to the May 5, 2005 Notification. Applicants never received the communication dated August 4, 2006 (which appears to have been mailed to the wrong address). Further compromising Applicants' ability to evaluate and act upon the status of this application is the fact that the imaged file history was only recently added to PAIR.


Accordingly, Applicants respectfully request that examination of this application be initiated and that the entire delay in prosecution be charged to the Office when calculating patent term adjustment.

Please grant any extensions of time required to enter this response, and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: April 28, 2008

By: 
Leslie A. McDonell
Reg. No. 34,872
617.452.1650

- Enclosures: (1) Copy of Response to Notice of Missing Requirements (originally submitted on July 1, 2005)
- (2) Copy of Notice of Missing Requirements
- (3) Copy of stamped postcard confirming receipt of the original response on July 1, 2005

ENCLOSURE 1

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IMMUNOREGULATORY AGENT		

Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

**RESPONSE TO NOTICE TO FILE
MISSING PARTS OF APPLICATION**

In response to the communication of May 2, 2005, Applicants submit a Declaration/Power of Attorney for filing in this application and a copy of the Notice of Missing Parts.

Please associate the enclosed declaration with the application. The Commissioner is hereby authorized to charge the surcharge fee of \$130.00 and any extensions of time required to enter this response, and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: July 1, 2005

By: 
Konstantin M. Linnik
Reg. No. 56,309